

Brown County

Human Resources Policies and Procedures
Manual

Effective February 1, 2012

County Commissioners:
Mary Fouch
Darrell Kent
John Kennard

County Administrator:
Dr. Michael Thompson

BROWN COUNTY
HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

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GENERAL PROVISIONS AND POLICY STATEMENTS

A. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It is the policy of Brown County to provide equal opportunity for applicants and employees and to recruit, hire, promote, transfer and terminate employment without regard to race, religion, color, sex, age, national origin, disability, genetic information or any other protected category.

B. ADMINISTRATION AND REVISION OF PERSONNEL POLICIES

The personnel policies set out in this manual shall be administered by the Board of Commissioners ("Board") in conformity with applicable County ordinances, federal law and state statutes governing civil service in counties in Indiana. Policies or procedures found to be in violation of federal law, state statute or County ordinance shall be declared null and void.

This manual is not a contract and does not create an employment contract or a guaranteed term of employment. The manual simply sets out general information as to the current personnel policies and practices of Brown County. Brown County reserves full discretion to unilaterally add, modify, delete, or otherwise change any provisions of this manual or the policies or procedures on which it may be based, at any time without advance notice or other consideration.

Revisions may be proposed from time to time by any interested party. The policies and any revisions shall become effective upon formal approval by the Board. Exceptions may be made at the Board's discretion given the individual needs of each department.

C. POSITIONS COVERED

The personnel policies herein apply to all employees of Brown County except elected officials.

D. DEFINITION OF TERMS

1. Administrative Officials: shall mean an elected or appointed official.
2. Anniversary Date: shall mean the date an employee becomes a regular full-time or regular part-time employee.

3. At will: shall mean the nature of the employment relationship which means that the employee may resign at any time and the employer may discharge the employee at any time with or without cause or notice.
4. Board: shall mean the Board of Commissioners of the County of Brown.
5. Regular Full-time Employee: shall mean an employee, other than a Highway Department employee, scheduled to work a regular schedule of at least thirty-five (35) hours per week. Full-time Highway Department employees are scheduled to work a regular schedule of forty (40) hours per week. Regular full-time employees work throughout the year, not on a seasonal or temporary basis.
6. Permanent Part-time Employee: shall mean an employee, other than a Highway Department employee, scheduled to work a regular schedule of less than thirty-five (35) hours per week. Part-time Highway Department employees are those scheduled to work a regular schedule of less than forty (40) hours per week. Regular Part-time employees work throughout the year, not just on a seasonal or pre-determined temporary basis.
7. Temporary Employee: shall mean any employee employed on a temporary or seasonal basis.
8. County Elected Official: shall mean those elected county officials elected on a county-wide basis.

E. SPECIAL OBLIGATIONS OF EMPLOYEES

1. Duty as Public Servants. As public servants, it is the duty of all employees to provide friendly, courteous service to the public. The primary goal of any government is to serve its citizens as effectively as possible. Employees should be mindful that the salaries and benefits provided them are paid by the citizens.
2. Gifts. Employees are not allowed to accept any gifts, favors or gratuity that is offered by any person or entity doing or requesting to do business with the County. Employees are allowed to receive minimal gifts offered in a social or hospitality setting, such as door prizes or raffles.
3. All employees having a pecuniary interest in or deriving a profit from a contract or purchase connected with an action by the County will be required to complete a conflict of interest statement when hired. Recognizing that situations and conditions may change during the course of employment, all employees will be required complete a conflict of interest at the beginning of each Calendar Year.

F. EXEMPT AND NON-EXEMPT POSITIONS

1. The following positions are treated as “**exempt**” for purposes of the policies in this manual:

Director of Area Plan Commission

Highway Superintendent

Assistant Highway Superintendent

EMA Director

Veteran’s Affairs Director

Park and Recreation Director

Deputy Prosecutor

Community Corrections Director

Chief Probation Officer

Health Department

1. Environmental Health Supervisor
2. Office Manager/Office Administrator
3. Public Health Nurse Supervisor

Sherriff’s Department

1. Chief Deputy
2. Matron

All Elected Officials and the 1st Deputies in the Assessor, Auditor, Clerk, Recorder, Treasurer Offices

2. The following positions are treated as **partially exempt** for purposes of the policies in this manual:

Jail Division

1. Jail Commander
2. Jail Officer

Merit Division

1. Detective/Captain
2. Lieutenant/Shift Supervisor
3. Sergeant/Detective
4. Sergeant/Shift Supervisor
5. Deputy Sheriff

3. The following positions are treated as **non-exempt** for purposes of the policies set forth in this manual:

All other county employees.

RECRUITMENT AND SELECTION

Employment opportunities with Brown County shall be open and available to all individuals without regard to race, color, religion, sex, national origin, disability, or any other protected category.

A. APPLICATIONS

Each applicant must submit a written application on a form approved by the Board. See the appendix for a sample application form.

Applicants will be required to complete screening procedures relevant to the position. These procedures will include driver's record checks, background investigation and/or drug/alcohol screening.

B. POSITION CLASSIFICATIONS

Each department shall develop a job description for each department position. All job descriptions shall be filed with the Board.

C. FILLING OF VACANCIES OR ESTABLISHING NEW POSITIONS

1. Job notices shall be approved by the Board. Sample notices are available for a department's use through the Board.

To encourage internal promotion and transfer whenever possible, job vacancies shall be posted in all County departments and offices. The notice shall be deemed appropriate when distributed through the central mailbox system in the office of the County Auditor and the county Global email list. All regular positions will also be advertised for at least one publication in the local newspaper.

2. Nepotism/Hiring of relatives.

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Although this Board has no prohibition against hiring relatives of existing employees, we are committed to monitoring situations in

which relatives work in the same department. In case of actual or potential problems, this Board will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

Employees are not permitted to work in positions in which an employee is a direct supervisor over a relative, as defined below. In the event that a marriage between co-workers creates such a relationship, one of the affected employees must transfer to a new position or terminate employment within two (2) months of the marriage, or sooner, if deemed necessary by this Board due to operational concerns.

For the purposes of this policy, a relative is defined as a spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, first cousin, or corresponding in-law or "step" relation, or an individual who is residing in the same household as the employee.

Individuals who are employed prior to 1/1/12 will be grandfathered under the Nepotism/Hiring of Relatives policy provision.

D. RESIDENCY

Recruitment of personnel shall not be limited only to those applicants who reside within the County. All other qualifications being equal, however, County residents will receive first consideration.

E. PERSONNEL/APPLICANT FILE

Each step involved in the selection procedure shall be documented and recorded. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years after the employee's separation date and should be used to substantiate and support the employment decision in the event of inquiry.

Each Administrative Official shall maintain an accurate personnel file for each employee. The personnel file should reflect each employee's employment history and should contain the following items: (1) application for employment, (2) any statements related to disciplinary actions, grievances, leaves of absences, tardiness, and (3) other relevant data. All medical information regarding an employee must be kept in a separate file in a locked cabinet.

Each employee shall have access to his/her own file upon request. In addition, any person who has a supervisory relationship with any employee may, with the Administrative Official's approval, have access to that employee's file, with the exception of the medical file.

Each office shall also maintain an applicant file. In the event of an opening, reference to the file may be necessary to fill the position.

Except as provided in this Policy, and subject to the provisions of Indiana law, all personnel files, including the applicant file, shall remain confidential. Confidentiality shall be preserved by all persons using the files. Each Administrative Official shall insure that personnel and otherwise confidential files in his/her office are kept in a secure location.

The Administrative Official shall retain personnel records for seven (7) years after separation of each employee's employment. The records may be disposed of thereafter at the discretion of the Board in accordance with applicable law.

F. INTRODUCTORY PERIOD

All newly hired employees, regardless of status, serve an introductory period within their jobs for the first ninety (90) days.

All transferred employees will be required to serve a 90 day introductory period within their new position.

During the new-hire introductory period, the employee's performance will be monitored and he/she will be advised regarding the quality of work being performed. At the end of the new-hire introductory period, whether successfully or unsuccessfully completed, a written performance evaluation shall be prepared and placed in the employee's personnel file.

An employee may be transferred to a new job or terminated at any time during the new-hire introductory period, or otherwise without following the disciplinary steps set forth in this manual and without any right of recourse to the grievance procedure set forth in this manual. Each employee has the status of an employee at will during the introductory period and thereafter.

G. BACKGROUND CHECK AND DRUG SCREEN

All offers of employment for all County positions are conditioned on the prospective new employee's undergoing a background check and submitting to drug test pursuant to the County's Drug and Alcohol Free Workplace Policy.

EMPLOYMENT CONDITIONS

The provisions of this Section and Policy do not confer any contractual rights upon employees or obligations upon the employer. Benefits granted under this Policy may be rescinded or modified by the Board at its discretion and without notice.

A. HOURS OF WORK

The workweek for County employees begins at 12:01 a.m. on Monday and ends at midnight the following Sunday.

County offices and departments normally observe a work week of Monday through Friday, 8:00 a.m. until 4:00 p.m., with the exception of the Sheriff's Department, the Veterans Affairs Office, the road crew and bookkeeper/clerk of the Highway Department, Parks and Recreation Department employees (only with the approval and under the direction of the Parks and Recreation Board), and EMA. The work schedules of these specified employees shall be set by the Administrative Official of that department. Work performed prior to 8:00 a.m. or after 4:00 p.m. is treated the same as work performed between those hours for the purpose of computing entitlement to overtime pay or compensatory time off. Employees should adhere to their scheduled start times and early reporting will not be allowed unless approved by the department manager.

Certain offices may need to observe earlier opening hours and later closing hours due to the nature of the work. The Administrative Official will advise employees as to changes from the normal hours policy. In those offices in which earlier or later hours are needed due to the nature of the work or the needs of the clients of that office, the Administrative Officials may set alternate schedules as needed. Any departure from this policy, other than those specified here, will require approval from the Board. The County recognizes that an alternate schedule may require an employee to work additional hours (between 35 and 40 hours) before receiving compensatory time (over 40 hours). Any hours worked over 35 (but not more than 40) will be considered eligible for flex time. Flex time is a 1 for 1 exchange. Every hour worked over 35 but less than 40 will earn one hour of flex time which must be used within a two week period of accumulation. Flex time should be closely monitored by the department head. A manager may be asked by the Commissioners to provide a quarterly report of accrued flextime for their employees. An explanation of why the flex time was required must be noted on the timesheet turned into the auditor. Flex time that is not used within two weeks of accumulation will be lost. No pay will be issued in lieu of unused flex time upon separation.

Any non-exempt employee who leaves his/her work site during work hours (other than when the employee remains on County business that pertains to their office while away from the normal work site or when the employee leaves for the employee's lunch period) must clock-out upon leaving the work site and clock-in upon return to the work site.

B. LUNCH AND REST BREAKS

A sixty (60) minute lunch break will be allowed each employee (other than Highway Department employees) during his/her work day. Highway Department employees will be allowed a thirty (30) minute lunch break. An employee cannot come in late one hour or leave early one hour and work through lunch to make up the time as the employee is being paid for their lunch hour and the time cannot be flexed. Lunch hours should be scheduled between the hours of 11:00 a.m. and 2:00 p.m.

Lunch breaks shall be staggered so as not to leave any County office unoccupied at any given time. Unless the employee is required to eat lunch in his/her office and attend to County business during his/her lunch period, the lunch period does not count toward work hours for the purpose of computing entitlement to overtime pay or compensatory time off.

Rest break periods consisting of ten (10) minutes per half day, between the second and third hours of work and between the fourth and fifth hours of work, may be taken providing that they are not disruptive to work operations. Rest break periods may not be used for late arrivals, extended lunch periods or early dismissals.

C. TARDINESS AND ABSENCES

All employees are expected to arrive on time for work and are not to depart prior to the regularly scheduled quitting time. Any departure from this policy will require permission from the employee's Administrative Official.

If an employee will unavoidably be either tardy or absent, it is his/her responsibility to notify the Administrative Official no later than one half hour after the employee is scheduled to report to work. An employee is tardy if he/she is not at work as of his/her scheduled starting time.

Unreported and/or excessive tardiness or absences will result in disciplinary action. Administrative Officials are to keep records of all employee tardiness and absence. These records should include whether the absence/tardiness was reported prior to occurrence or within the specified period.

Abandonment of Position – An employee, who is absent for three consecutive days without proper notification to his/her supervisor, will be considered to have voluntarily resigned without giving notice.

Unauthorized Leave without Pay - Leave without pay is not an option for employees to increase the amount of time off for vacation, sick time or personal time. Employees may apply for a non-paid, non-benefit accruing voluntary extended leave, which may be granted in the discretion of the manager. Employees will be responsible for the entire insurance premium during any period of voluntary extended leave. Insurance premiums must be kept current to insure continuation of coverage. See form in appendix.

D. OVERTIME ADMINISTRATION

Elected officials and their personal staffs, political appointees, and legal advisors are not covered by the FLSA. Certain other employees, typically executives, administrators and professionals, while covered by the recordkeeping provisions of the FLSA, are exempt from the overtime provisions of the Act. Such employees are generally not hired to work a set number of hours per week, but are expected to fulfill their job responsibilities regardless of the number of hours involved and are paid a salary intended to compensate for all hours worked. However, such employees must average at least thirty five (35) accountable hours every week on an annual basis to be considered full-time employees. Every exempt employee must complete a timecard indicating time off used and write EXEMPT in the Time Section.

Unless provided differently in this Policy or by the County Council in the annual salary ordinance, a non-exempt employee who is required to work in excess of forty (40) hours during a work week shall be compensated for the overtime work (those hours in excess of 40) at a rate of pay equal to 1 ½ times the employee's regular rate of pay or through the allowance of compensatory time off at the rate of 1 ½ hours of compensatory time off for each hour of overtime worked.

Non-Exempt Highway Department employees shall document their regular work and overtime hours through use of a time clock and shall be given monetary compensation for approved overtime work, rather than compensatory time.

Even though most County offices and departments normally observe a thirty-five (35) hour work week, neither overtime nor compensatory time off is allowed until after the employee works for more than forty (40) hours in a work week. An employee's fixed weekly salary is considered compensation for up to forty (40) hours worked in each workweek. Although most employees have regularly scheduled workweeks of thirty-five (35) hours, additional work will be necessary from time to time to fulfill the functions of the employee's position, and the employee will perform such work as necessary. The employee's fixed weekly salary covers up to five (5) hours of this additional work each week.

Non-exempt employees who are entitled to overtime compensation shall be determined by the County Council in the annual salary ordinance or, in the absence of such a determination, by reference to the applicable wage and hour laws.

It has been the established and written policy of the County since at least 1983 to provide compensatory time off for overtime worked by non-exempt employees rather than to provide monetary compensation for overtime hours. Each employee accepts this policy as a condition of employment with the County. Notwithstanding the normal County policy, merit employees in the Sheriff's Department shall be provided monetary compensation for overtime hours worked.

Exempt employees are not eligible for compensatory time.

For computing overtime pay in the case of hourly-based employees, the regular rate of pay shall be calculated as required under the Fair Labor Standards Acts. Compensatory time is awarded at a rate of one and a half hours for each hour of overtime worked.

Employee will be allowed to use compensatory time within a reasonable period after making a request, so long as the use does not unduly disrupt County operations.

Employees who are engaged in public safety, emergency response, or seasonal activities may not accrue more than 480 hours of compensatory time off. Because the rate of accrual is one and one-half hours per hour of overtime work, this limitation translates into 320 hours of overtime work performed. All other employees may accrue no more than 240 hours of compensatory time off. Because the rate of accrual is one and one-half hours per hour of overtime work, this limitation translates into 160 hours of overtime work performed. If an employee surpasses these maximums, he or she will receive overtime pay in lieu of additional compensatory time off.

Any employee with more than 100 hours should meet with his or her supervisor in order to develop a plan to reduce remaining compensatory balances to less than 100 hours.

All overtime work must be approved in advance by the Administrative Official. Overtime work should not be allowed as a regular practice. Employees who work overtime without prior approval will be subject to disciplinary action.

E. HOLIDAYS

The Board shall establish holidays. Regular full-time employees shall receive their regular daily salary or wage for holidays. A pattern of calling in the day before or the day after Holiday (whether or not the employee has sick time accrued) will be addressed under the corrective action policy. An employee may also be asked to provide a doctor's note when time away is extended by an unauthorized sick day prior to or after a Holiday. Holidays that occur during vacation shall not be charged against accrued vacation time. Regular employees who work an average of twenty-one (21) or more hours per week but less than thirty-five (35) hours per week shall receive holiday pay on a pro-rated basis.

F. SNOW EMERGENCIES AND OTHER EMERGENCIES

The commissioners will work with School Transportation Director (if a school day), the Sheriff, and the EMA Director to determine if the conditions exist to declare a Snow Emergency. A decision to have a delayed arrival schedule or snow emergency will be made as early as possible. If it is determined that the conditions for a snow emergency have not been met, then employees will be expected to report to work. If an employee feels he/she is unable to report to work, he/she should notify his/her supervisor and use a vacation or personal day to cover the time off.

When an emergency is called and County offices are closed, certain employees may be excused from work. Those employees shall not have charged against them any vacation, personal, sick or compensatory time. Some employees, however, may be required to work during the emergency period. Those employees who are required to work during the emergency period shall be entitled to accrue compensatory time for normal (non-overtime) hours worked during the emergency.

If the County is closed by the Commissioners because of weather on a regularly scheduled work day and County Highway Department employees report to work, they will receive their regular rate of pay plus compensatory time for hours worked up to 8 hours.

If a County Emergency is declared by the Commissioners or other Government Entity on a paid holiday and employees, including County Highway Department employees, report to work, they will receive holiday pay in addition to the regular rate of pay for hours worked.

Under certain circumstances, like a natural disaster, some emergencies might be called that do not necessarily cause offices to be closed. Those employees who have been personally affected or whose homes and families have been affected by the disaster will be eligible for unpaid voluntary extended leave.

G. PAY PERIODS

Each two-week period constitutes a pay period. Payment of wages will be made on the last day of each pay period (or the preceding work day if the last day of a pay period falls on a holiday). Each pay check shall reflect work performed during the then-completed pay period. No pay check will be issued in advance of the scheduled pay date. An employee that has a planned payday off, may request that their supervisor contact payroll to make arrangements for the check to be picked up and signed for on Thursday after 2:00.

The Administrative Official of each department shall be responsible for submitting time sheets for each employee in his/her department to the Auditor on a two-week basis. Accurate records of work hours of each employee, including whether the employee worked during his/her lunch period (i.e., was required to remain in the office

and be “on duty” within the meaning of the FLSA), shall be kept and maintained by the administrative head of each department. The time sheet shall also reflect any overtime, compensatory leave and absences due to vacation, holidays, personal days, sick days, maternity or bereavement leave. See also subsection A above.

Attendance Records – An hourly employee must fill in his/her own attendance records when work starts and ends. Although exempt employees are not required to clock in/out, they are subject to the same standards of accurately recording time worked and share in the responsibility to assure their time worked is paid appropriately. The includes reporting full day absences for paid time off, bereavement, educational time away, as well as company business. Non-elected, exempt employees will be required to turn in a signed attendance record recording any exceptions. Paychecks cannot be issued without complete time and attendance documentation. Vacation, sick and personal time must be accrued prior to be used and an employee cannot be in a negative status.

H. EMPLOYMENT CONFLICTS

The County has the right to regulate activity it deems in conflict with County employment. If outside employment is found to interfere with the employee’s County job, the employee will be asked to resign from one place of employment. County employees are prohibited from outside employment with an individual or organization that directly transacts business for which payment is received from the County. See Section I.

County employees shall not accept gifts for gratuities for services performed. Any such transactions or offers of transactions shall be reported to the Administrative Official.

County employees are prohibited from using their County position or county property to assist in political activity. This would include the use of counter tops to display political material. In addition, non verbal exhibits supporting or opposing a political candidate are prohibited on county premises during working hours (such as shirts or pins)

No employee paid partially or wholly from Federal funds is eligible to run for office in a partisan election.

County employees shall strictly observe the provisions of Indiana law that govern conflicts of interest and that prohibit persons from holding more than one “lucrative office” at the same time.

To avoid disruption of operations, employees may not solicit other County employees or customers at any time in any manner during work time.

Each employee must complete a conflict of interest statement upon commencing employment and thereafter must annually update the statement with any changes by each subsequent January 1.

I. INSURANCE

Regular full-time employees and Permanent Part-time Employees (but not temporary employees) whose regularly scheduled hours will exceed 1040 during the year, public defenders, and all county elected officials will have the availability of group insurance benefits on a non-discriminatory basis as determined from time-to-time by the Board. County Councilors and County Commissioners who were elected prior to January 1, 2012 are also eligible for group insurance benefits. Township Trustees are not eligible. County attorney is not eligible. Commissioners or Councilors elected on or after January 1, 2012 are not eligible for group insurance benefits. Anyone currently on the county employee health insurance may continue covered under the plan so long as that person continues uninterrupted employment or elected service. Upon accepting employment, each employee shall be given a booklet explaining the available insurance benefits and any steps that the employee must take to obtain such benefits. In the event of a disability, as defined under the County health insurance policy, coverage will continue for that employee for up to six months from the date of the date of the disability.

Employees in departments other than those included in the County general fund budget may, upon application to and approval by the County Commissioners, be accepted for coverage under the County insurance plan.

J. ANNUAL PERFORMANCE REVIEW

To assist each employee in achievement of maximum job performance and job satisfaction, it is the policy of the county to conduct a performance review for each employee at least one time per year (Employee's Anniversary Date). It is intended that this process be a collaborative effort with full involvement of both the employee and the employee's supervisor. The review shall be maintained in each employee's personnel file and completed by December 31.

The objective of the Performance Management Program is to develop, motivate and improve the employee's performance by:

- Providing a basis for measuring and evaluating the employee's performance against job requirements.
- Identifying areas in which improvement is necessary to enhance performance and focusing on strengths on which to build.
- Implementing specific development plans to improve job performance and/or advancement potential.
- Identifying potential candidates for positions of increased responsibility.

K. IMMUNIZATIONS

Employees in some positions are required to be immunized against certain communicable diseases to reduce the possibility of the spread of such diseases. Affected employees will be notified of the required immunizations by their supervisors. Any required immunizations will be paid for by the County.

L. WORK FROM HOME

Employees are generally expected to be at work during their regularly scheduled work hours. Employees may be allowed to work from home from time to time with the express permission of their supervisor.

EMPLOYEE RESPONSIBILITIES

A. CONFIDENTIALITY

Much of the information with which County employees deal is a matter of public record and employees shall strictly observe the provisions of Indiana law concerning the public's access to governmental records. Other information is confidential and confidentiality shall be strictly maintained. An employee should refer any questions concerning the confidentiality of any information to the Administrative Official. Even though accessible to any person making an inquiry, even non-confidential, job-related information should not be discussed by an employee with, or within the hearing of, non-employees except as required by his/her job.

B. USE OF COUNTY PROPERTY

No employee shall use or allow to be used any County property such as vehicles, equipment (including computers), telephones, mailing privileges, material, etc, for personal use without the prior approval of the Administrative Official.

Any County employee who is issued a cell phone by the County shall use that phone for County business only. In the event that an employee violates this policy by using the phone for non-County business, the employee shall, in addition to being subject to employee discipline pursuant to the County personnel policy, report this use to the Administrative Official on the same day the use occurs, and the employee shall be required to reimburse the County for the per-minute cost of the call.

C. OPERATION OF COUNTY-OWNED VEHICLES

Before operating any motor vehicle owned by the County or operating any other vehicle on County business, all County employees shall submit to the Administrative Official a transcript of all arrests and/or convictions for moving traffic violations and/or alcoholic or controlled substance offenses, and shall keep the Administrative Official informed of all such arrests and/or convictions thereafter so long as the employee operates any such motor vehicle.

No employee shall operate any motor vehicle owned by the County, or any other motor vehicle on County business, during any time that the employee does not possess a proper, valid driver's license. See also Section V (B). All persons hired for service with the County Highway Department, and who drive or are expected to drive vehicles that required a valid commercial drivers license, must obtain, within ninety (90) days of employment, and maintain a valid commercial driver's license to qualify for and maintain

employment. All employees who are required to hold a commercial drivers license are subject to the County's drug/alcohol testing policy.

All employees must comply with all safety procedures and use proper safety equipment at all times. Participation in County provided training sessions is mandatory as specified from time to time and for various jobs.

The County will initially pay the fee for approved Highway Department employees to take the test for a Commercial Drivers License (CDL) and, if necessary, will allow the employee taking the CDL test to use a Highway Department truck to take the test. If, however, the employee leaves his employment with the Highway Department less than one (1) year after having received his CDL, the employee must reimburse the Highway Department for the fee for the test within one (1) month after leaving employment with the Highway Department.

WEAPONS IN THE WORKPLACE POLICY

Except as specifically provided below, employees are prohibited from possessing weapons, including but not limited to, firearms, knives, brass knuckles, clubs, bats or explosives on County property (including in County parking lots and in County-owned or leased vehicles). An employee found in possession of a weapon in violation of this policy will be subject to disciplinary action, up to and including termination.

In accordance with Indiana law, employees are allowed to possess a firearm and/or ammunition in the employee's vehicle in the County parking area only under the following circumstances:

- The firearm and/or ammunition must be locked in the trunk of the employee's vehicle, in the glove compartment or out of sight in the employee's locked vehicle at all times while on County property; and
- The employee must be legally authorized to possess the firearm or ammunition; and
- The firearm and/or ammunition must not be of a type for which an individual must possess a federal firearms license under 18 U.S.C. § 923.

An employee who possesses a firearm or ammunition in the Company parking area and does not comply with the above provision is subject to discipline up to and including termination.

In addition, this policy does not apply to weapons that County law enforcement employees are permitted to carry and possess in the performance of their County job duties.

DISCIPLINE

The Board of Commissioners recognizes the benefits of a progressive employee discipline policy. The following procedure may be followed at the discretion of the Administrative Official, but it does not confer any contractual rights upon employees or obligations upon the employer. Notwithstanding anything in this Section, each employee remains an employee at will.

A. DISCIPLINARY STEPS

By using progressive discipline, it is hoped that most employee issues can be corrected at an early stage benefiting both the County and the employee. However, the County may determine, in its sole discretion, that use of progressive discipline is not appropriate in some instances and may skip any and all of the progressive discipline steps.

The steps of progressive disciplinary action may include:

1. Oral warning
2. Written reprimand
3. Suspension
4. Termination

Administrative Officials shall, on a continuing basis, advise employees concerning their performance, how and where it needs improvement, and the consequences if the employee fails to show improvement or take remedial action.

In addition to the steps outlined above, the Administrative Official may place an employee on a disciplinary probation period.

The duration of a disciplinary probation period may be determined by the Administrative Official, but in no event shall the period exceed ninety (90) days. When an employee is placed on disciplinary probation, he/she shall also be notified of the length of the probationary period. Any misconduct or failure by the employee to meet performance standards during a disciplinary probation period, or otherwise, may result in immediate dismissal.

Any disciplinary problem and all disciplinary actions are to be recorded by the supervisor taking the action. A copy of this record shall be placed in the employee's personnel file. This will ensure proper documentation of an employee's work history.

B. INTOXICATION OR POSSESSION

Being under the influence of or having possession of intoxicating liquor or illegal drugs (including prescription drugs for which the employee does not have a valid prescription issued to him/her) during working hours may result in disciplinary action pursuant to the drug free workplace policy previously adopted by the Board of Commissioners. No employee shall operate a County vehicle or operate any other vehicle on County business at any time while under the influence of or consuming intoxication liquor or illegal drugs. No employee shall operate a County vehicle or any other vehicle on County business while under the influence of a lawfully obtained prescription drug if the drug could impair the employee's ability to drive or impair his/her driving skill.

The use of any legally obtained drug (including prescription or non-prescription drugs) by any employee while performing Brown County business is prohibited to the extent that such use may adversely affect the safety of the employee or others or the employee's job performance. Employees who have been informed or have discovered that the use of a legal drug may adversely affect the employee's ability to safely and effectively perform the essential functions of his/her job are to report such drug use and possible side effects to management.

C. CAUSES FOR DISCIPLINE

The following is a partial list of causes for discipline:

1. Theft or misuse of County materials or property.
2. Failure immediately to report any accident or injury involving any County employee, equipment, or property.
3. Fighting on County property or time.
4. Dishonesty or falsifying any report, record or employment application.
5. Making any threat of violence against another employee or member of the public.
6. Unauthorized use or removal of County equipment, tools, vehicles or property.
7. Commission of a felony or incarceration in jail following the conviction of a misdemeanor.
8. Abandoning or leaving County equipment or a County vehicle unattended, except as directed by supervisory personnel or as may be required by job duties or safety considerations.

9. Willfully disobeying a direct reasonable order of a supervisor.
10. The knowing violation of a reasonable and uniformly enforced rule of the County.
11. Habitual unexcused absenteeism or tardiness or absent without notification (no call/no show) for 3 consecutive days.
12. Willfully or negligently damaging the County's property.
13. Engaging in conduct that endangers the safety of self or others.
14. Possession of any weapon, explosive, or dangerous device on County property or while on County business in violation of the County's weapons in the workplace policy.
15. Sleeping during working hours.
16. Performing private work while on County work time
17. Gambling upon or within County property.
18. Failure to wear prescribed uniform or apparel.
19. Failure or refusal to perform work as assigned or disrupting work activity.
20. Manufacturing, possessing, selling, consuming or "being under the influence" of intoxicating beverages or illegal drugs, or the inappropriate use of prescription drugs as a representative of the county or on the county's property or while in work status.

D. IMMEDIATE SUSPENSION

Certain alleged conduct violations warrant immediate suspension without following the progressive disciplinary steps. Suspension shall continue until the completion of an investigation by the Administrative Official concerning the alleged conduct violation and the issuance of a written report. At the conclusion of the investigation, the employee may be immediately dismissed if the alleged violation is determined to have occurred. Such a suspension may be with or without pay.

LEAVES OF ABSENCE

A. EARNING AND ACCRUAL OF VACATION, SICK AND PERSONAL LEAVE

All regular employees, both full-time and part-time, shall earn and accrue leave, but part-time employees shall earn and accrue leave on a pro-rate basis, based on the percentage of the normal work week the employee works.

B. VACATIONS

Employees shall earn vacation with regular pay as follows:

An employee cannot earn and accrue vacation for the first six (6) consecutive months of employment by the County.

1. After six (6) months of consecutive employment, the employee qualifies for 20 hours of paid vacation. Sheriff Department employees 30 hours
2. After the first anniversary date of employment, the employee qualifies for 40 hours of paid vacation. Sheriff Department employees 60 hours.
3. After the second anniversary date of employment, the employee qualifies for 80 hours of paid vacation per year. Sheriff Department employees 120 hours.
4. After the fifth anniversary date of employment, the employee qualifies for 120 hours of paid vacation per year. Sheriff Department employees 180 hours.
5. After the tenth anniversary date of employment, the employee qualifies for 160 hours of paid vacation per year. Sheriff Department employees 240 hours.
6. After the fifteenth anniversary date of employment, the employee qualifies for 200 hours of paid vacation. Sheriff Department employees 300 hours.
7. Vacation time will not accrue during leaves of absence.
8. All vacation time must be approved in advance by the Administrative Official. No vacation time may be carried forward beyond the end of the employee's twelve (12) month anniversary date of employment.
9. Temporary employees are not entitled to vacation benefits.

C. SICK LEAVE

1. From the date of employment, regular full time and part time employees shall earn and accrue 4 hours per each complete calendar month of employment. Sick time may be accrued on an unlimited basis.
2. To be eligible for sick leave, an employee must notify the Administrative Official of the sickness or injury by the scheduled time to begin work. The employee shall inform the Administrative Official of the anticipated day of return to work. An employee who is absent from work for three (3) or more consecutive days may be required to submit a physician's statement to the Administrative Official indicating the state of health upon return to work.
3. In cases of extended illness, an employee may exhaust all accrued vacation and personal days after all accrued sick days have been exhausted.
4. Sick leave may not be used for any purpose other than for medical or health reasons. No pay will be issued in lieu of sick leave upon separation.
5. Sick leave days will not accrue during leaves of absence.
6. Vacations may be used to supplement sick leave, but sick leave may not, under any circumstances, be used to supplement or add to vacation time.

D. PERSONAL LEAVE -

1. After completing thirteen (13) consecutive months of service, regular full time and part time employees shall earn and accrue four (4) hours of personal leave time per each complete calendar month of employment. No personal leave time will be carried forward beyond the end of the twelve (12) month anniversary date of one's employment.
2. To be eligible for personal leave, the employee must notify the Administrative Official at least twenty-four (24) hours in advance of the day for which personal leave is being requested. The Administrative Official shall have the right to approve or disapprove the request with consideration given to the impact of the employee's absence on departmental efficiency.
3. No pay will be issued in lieu of personal leave upon separation.
4. Personal leave time will not accrue during leaves of absence.
5. Personal leave may be used to supplement sick leave.

E. BEREAVEMENT LEAVE

The county wishes to protect regular full-time employees from loss of income at the time of death of an immediate family member. County will permit an employee up to a maximum of twenty four (24) consecutive hours of paid leave time in the event of a death of an immediate family member. Guidelines are listed below:

3 Working or Shift Days

Spouse

Parent (including step, in-law)

Child (including step)

Sibling (including step, half)

2 Working or Shift Days

Grandparent (step, in-law)

Grandchild (step)

Son-in-law

Daughter-in-law

Sister-in-law

Brother-in-law

1 Working or Shift Day

Aunt (step, in-law)

Uncle (step, in-law)

Niece (step, in-law)

Nephew (step, in-law)

Employees may be asked by management to submit proof of relationship, death, and/or funeral/memorial service attendance.

F. MILITARY LEAVE

The County complies with all federal, state and local laws regarding leave, reinstatement rights and other benefits for employees who serve in the Armed Forces of the United States.

Any employee who has military obligations through service in the National Guard or the active reserves of the Armed Forces of the United States shall be entitled to leave with pay for up to ten (10) days per year. Pay received from this service will be deducted from regular County pay (i.e. the sum of the two shall be no greater than regular County pay afforded the employee).

To receive this leave, the employee must bring his/her notification papers upon receipt to the Administrative Official. Military leaves for up to ten (10) days will not be charged against other leave. Military leave beyond then (10) days will be administered as an extended leave of absence.

G. JURY DUTY

The employee shall notify their department head after receipt of notice of selection for duty. The employee must furnish a copy of the Summons and verification of services showing the date and time served, to their department head. If an employee is on call as a juror, and not required to be in court for the day, the employee is expected to come to work. If services as a juror are not required for the entire day, the employee is expected to return to work after being released from jury duty. The employee make keep the jury stipend and mileage check paid for jury duty as well as receiving their regular pay for the day. The employee is not entitled to overtime compensation should the jury duty service time exceed their normal work hours for the day. The time the employee is away from work during jury service is not "hours worked" and is not considered for the purposes of comp time or overtime.

H. EXTENDED FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) requires employers of 50 or more employees to provide eligible employees with up to 12 weeks or in some instances, up to 26 weeks of unpaid, job-protected leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.

To be eligible for FMLA leave, an employee must:

- Have worked for Brown County Government for at least 12 months; and
- Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.

Brown County Government measures the twelve (12) month period in a calendar year.

Brown County Government will grant an eligible employee up to a total of twelve (12) workweeks of leave in a calendar year for one or more of the following reasons:

1. For the birth of a son or daughter, and to care for the newborn child.
2. For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent – but not a parent in-law) with a serious health condition; and
4. When the employee is unable to work because of a serious health condition.

5. Because of any qualifying exigency (as defined by applicable regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee has been deployed or called to active duty in a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Leave to care for a newborn child or for a newly placed child must conclude within twelve (12) months after the birth or placement.

Spouses employed by Brown County Government may be limited to a combined total of twelve (12) workweeks of family leave for the following reasons:

- Birth and Care of a child;
- For the placement of a child for adoption or foster care, and to care for the newly placed child; and
- To care for an employee's parent who has a serious health condition.

Brown County Government will grant an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member, up to a total of twenty-six (26) workweeks of unpaid leave in a twelve (12) month period to care for the covered service member who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This twelve (12) month period shall begin on the day leave is taken for this purpose.

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

- Intermittent/Reduced schedule leave may be taken when medically necessary to care for seriously ill family members, because of the employee's serious health condition, because of a qualifying exigency or to care for a covered service member
- Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with department heads to schedule the leave so as not to unduly disrupt the department's operations.
- Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt County operations.

Brown County Government requires that all accrued personal days, vacation time and accumulated compensatory time must be taken concurrently with FMLA leave. All accrued sick time must be taken concurrently for leave taken due to an employee's own serious health condition.

During FMLA leave, Brown County Government will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Brown County Government's normal call-in procedures.

Employees must provide sufficient information for Brown County Government to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Brown County Government if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Brown County Government will require the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. Brown County will allow the employee at least fifteen (15) days to obtain the medical certification. The county reserves the right to require a second medical opinion from an independent medical provider. The county will pay for the second opinion and will designate a provider who is not an employee of the county.

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

I. DISCRETIONARY VOLUNTARY EXTENDED LEAVE

An employee may submit a request to his or her Department Head for a leave of absence of up to one year. If approved, the leave shall be without pay except that (1) all accrued vacation leave for the year in which the leave is requested can be used if the leave of absence is for a reason other than health, and (2) all accrued vacation leave for the year in which the leave is requested and all sick leave can be used if the requested leave of absence is for health reasons. Employees will be required to pay the entire premium for health insurance coverage during their leave. Premiums must be kept current to prevent a lapse in coverage. Once the agreed upon time away has expired, and an employee has not returned to work, the employee will be terminated. Upon employee termination, the employee will be entitled to COBRA benefits in the same manner as any other termination. If the employee returns to County employment within a year of the commencement of the leave, the employee will receive preferential treatment in the County's effort to return the employee to the position he or she had before beginning the leave, though return to the same position cannot be guaranteed. In addition, if the employee elected COBRA, the employee may rejoin the County's group health insurance plan without the requirement of a physical examination and without the application of any physical examination and without the application of a waiting period regarding prior existing medical conditions. If, however, the former employee did not elect COBRA or if a break of coverage occurred, the former health insurance participant will be subject to all the same provisions as those of a new hire, including but not limited to waiting periods and the pre-existing condition limitation. The primary criteria for this leave is "business need."

J. TRANSFER WITHIN THE COUNTY

When an employee is transferred to or accepts employment with another department or office within County government, the employee shall retain all accrued vacation, personal leave and sick leave. The leave may be taken in the new department or office in accordance with the procedures established in the policy. In no case of such a transfer shall the employee receive pay in lieu of leave.

REQUEST FOR DISCRETIONARY LEAVE OF ABSENCE

(Other than Family Medical Leave)

Employee Name:

Department:

Manager:

Reason for LOA:

Requested Length of LOA: _____ **Start Date** _____ **End Date** _____

Employee Signature _____ **Date** _____

To be Completed by the Department Director:

Approved for the period _____ **to** _____

Leave of Absence Denied

Your request cannot be approved for the following reasons:

GRIEVANCE PROCEDURE

Any employee who disagrees with any supervisor's action as unfairly taken against him/her or who feels otherwise aggrieved may appeal that action as follows:

STEP ONE

The employee must submit an oral grievance to his/her Administrative Official within five (5) working days of the time the employee contends he/she was aggrieved. The immediate supervisor will attempt to resolve the grievance within three (3) working days of the date of presentation of the grievance.

STEP TWO

If the grievance is not resolved at Step One, the employee may submit a written appeal to the Administrative Official. The appeal shall be prepared in detail, dated and signed by both the employee and the immediate supervisor to whom the original grievance was submitted. This appeal should be submitted within three (3) working days of the Administrative Official's reply to Step One. The Administrative Official shall attempt to resolve the grievance and reply in writing within three (3) working days of receipt of the appeal.

STEP THREE

If the grievance has not been resolved after Step One and Two have been exhausted, the Administrative Official shall forward the grievance, and all observations, findings and decision from the previous steps to the Board. The appeal must be presented to the Board within three (3) working days following the receipt of the Administrative Official's decision by the employee.

Note: Because of the administrative structure of some offices, one or more of the initial steps in the grievance procedure may be combined. Neither this Section nor this Policy in general confers any contractual rights upon employees or obligations upon the employer.

Step II – Problem Solving – Written Appeal to Step I

Note: To be completed by the employee and submitted within three (3) working days of your Administrative Official's Reply to Step One. Should the complaint not be resolved at this level, the complaint may proceed to Step III. The appeal must be presented to the Board by the employee within three (3) working days following the receipt of the Administrative Official's decision in Step II.

Describe the event or circumstances that led to the corrective action:

Step III – Problem Solving – Written Appeal to Step II

Since the grievance has not been resolved at Step I or Step II, the Administrative Official shall forward the grievance, an all other observations, findings and decisions from the previous steps. This appeal (Step III) must be presented to the Board within three (3) working days following the receipt of the Administrative Official's decision to the employee.

To be completed by the Board and returned to the Administrative Official, as well as the employee within five (5) business days of receipt.

Board's response to the complaint of:

SEPARATION

Separation from County service can be voluntary or involuntary, temporary or permanent, and with or without prior notice.

A. RESIGNATION

Employees who decide to resign their employment status with the County shall notify the Administrative Official at least two (2) weeks before the effective date of termination and must work during the notice period. If the employee provides the county with at least two (2) weeks notice and works during the notice period, the employee will be paid for all accrued, unused vacation days.

Any employee who is asked to resign for any reason other than one or more of those that may warrant immediate discharge, will be given two (2) weeks notice prior to his/her separation date. An employee asked to resign for reasons that may warrant immediate discharge may not be given such notice. An employee who is discharged after being asked to resign is entitled to all accrued vacation for that year as of the date of termination.

B. LAYOFFS

Circumstances may arise that could require a reduction in the work force. Such reductions may be caused by budget limitations, seasonal employment, weather conditions or other similar occurrences. These terminations will be classified as layoffs.

Reassignment or transfer to another position will be observed in as many layoff cases as possible. Reinstatement may be in the position vacated or in another job that becomes available. Insofar as practicable, Administrative Officials will try to give at least one (1) week's advance notice of any layoff. Upon separation the employee shall receive payment for all accrued vacation days not taken during the current year.

C. SUSPENSION

Any employee may be suspended from his/her job. Suspension is a temporary proceeding that is generally only observed for one of two reasons:

1. As the final disciplinary step before dismissal; or,
2. Until resolution of pending legal or administrative procedures or completion of an investigation.

D. INVOLUNTARY DISMISSAL OR DISCHARGE

Involuntary dismissal or discharge is the most severe form of disciplinary action. In most cases, other avenues of corrective or remedial measures may be attempted before resorting to dismissal. There are, however, circumstances in which immediate dismissal is warranted. Upon discharge, the employee shall receive payment for all accrued vacation days not taken during the current year

E. DOCUMENTATION

Any disciplinary or separation procedures should be accurately documented at the time of occurrence.

NON HARASSMENT POLICY

Brown County is committed to maintaining a workplace free of harassment, intimidation or inappropriate conduct based on sex/gender, race, color, religion, national origin, age, disability, veteran status, or any other category protected by law.

A. DEFINING HARASSMENT

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Brown County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Brown County will not tolerate any behavior that creates an intimidating, offensive or hostile work environment or that interferes with work performance. Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

Brown County strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by supervisors, co-workers or others in the workplace, such as customers or vendors. Brown County is committed to complying with all applicable local, state and federal laws prohibiting discrimination and harassment in the workplace.

Included in this policy is a prohibition of sexual harassment. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual advances, requests for sexual favors, unwanted physical contact, including touching, patting, pinching, etc., unwelcome comments of a sexual or demeaning nature, the display of sexually offensive posters, pictures or objects.
2. Any use of an employee's submission to or rejection of the conduct described above as the basis for employment decisions affecting the employee (such as hiring, firing, promotions, compensation or working conditions).
3. Any explicit or implicit implication that submission to such behavior is a term or condition of an individual's employment.

B. REPORTING HARASSMENT

Any employee who believes that he or she has been a victim of some form of workplace harassment or inappropriate behavior or conduct from a fellow employee, including a Administrative Official or from a non-employee (customer, contractor, etc.) should report the incident immediately to his/her Administrative Official, or to management within the agency. Brown County emphasizes that an employee is not required to complain to his/her Administrative Official if the employee is uncomfortable doing so.

Administrative Officials who receive complaints or who observe inappropriate behavior will inform the County Administrator immediately.

C. INVESTIGATION OF COMPLAINT

Persons submitting complaints of harassment or inappropriate conduct are assured that a thorough investigation of the complaint will be conducted. The contents of the complaint will be kept confidential to the extent possible and consistent with the need to conduct a thorough investigation.

D. SANCTIONS

If, following a complaint of harassment or inappropriate conduct, an investigation reveals that inappropriate behavior has occurred, the person who has violated this policy will be subject to appropriate sanctions or penalties. The sanction or penalty administered under this policy will depend on all circumstances, including the offending employee's prior work record and the specifics regarding the nature of the violation. It should be understood that suspension and/or termination of employment may be the penalty administered to persons who violate the policy.

E. RETALIATION PROHIBITED

Brown County does not tolerate retaliation against any employee for making a complaint under this policy or for cooperating in an investigation of any complaint under this policy. Any employee who believes that he/she is the subject of such retaliation should report this immediately to the County Administrator.

EMPLOYEE DRIVERS

EMPLOYEE DRIVERS

An employee driver is hereby defined as follows:

1. An employee of the County whose duties include the driving and/or operating of County-owned automobiles, trucks and other equipment on a regular or occasional basis in the course of their employment with the County and those employees who operate their personal vehicles on a regular or occasional basis in the course of their employment by the County.
2. Each employee driver shall, at all times, maintain a current Indiana operator's license or, if required by the type of driving in his employment, a CDL (Commercial Driver's License). Said licenses shall be unrestricted with the exception on those restrictions imposed by the Bureau of Motor Vehicles relating to vision issues (eyeglasses, contact lenses, outside mirrors, etc.).
3. Any employee driver whose operator's license or, if required, CDL, is suspended, revoked, or restricted, except for those restrictions referred to above, shall be immediately prohibited from operating any County vehicle or equipment or operating his personal vehicle in the course of his employment for County business. Each employee driver shall immediately notify his immediate supervisor if his or her operator's license has been suspended, revoked or otherwise restricted except for those restrictions referred to above. Each employee is responsible for knowing the status of his/her operator's license.
4. Any employee driver convicted of the following offenses:
 - a. Driving While Intoxicated
 - b. Driving Under the Influence of a Controlled Substance
 - c. Driving While License Suspended or Revoked
 - d. Reckless Driving
 - e. Leaving the Scene of an Accident

shall be prohibited from operating a motor vehicle owned by the County or vehicular equipment owned by the County or their private vehicle in the course of their employment by the County for a period of no less than eighteen (18) months from the date of their conviction. The prohibition may be extended if, upon review by the immediate supervisor, there is a determination that the employee driver's record, the nature of the offense for which he was convicted and his compliance or non-compliance with any Court-ordered recovery program indicates that the driver employee may create a

risk to others in the operation of County vehicles, County equipment or his personal vehicle in the course of County employment. In addition to the required suspension, employees convicted of any of the offenses listed above may be subject to other disciplinary action.

5. Employees who drive County vehicles will be required to produce their driver's license to their department managers every 12 months to verify that their license is still valid.

COUNTY TRAVEL, MEETING & CONFERENCE POLICY

County government strives to provide services to the citizens of Brown County in a cost effective manner while maintaining quality services. While it is the intent of county government to provide travel reimbursement for expenses incurred in the performance of job duties, it is also financially necessary to control these expenses.

This policy is in large based on the State of Indiana's policy in regards to travel reimbursement. The following policy applies to all county employees, department heads, and elected officials.

1. Lodging expenses will be reimbursed up to a maximum of \$150 per night for travel that is in excess of 50 miles from the County Annex Building. If the room rate will exceed \$150 per night, the employee, department head, or elected official must obtain approval for the excess reimbursement from the County Commissioners prior to incurring the expense. Those attending functions requiring travel are responsible for learning the rates for overnight stays prior to their attendance and obtaining necessary approval for reimbursement. If overnight lodging is anticipated in a facility less than 50 miles from the Annex, then the employee, department head or elected official must have prior approval from the Board of Commissioners.

2. Meal expenses will be reimbursed up to maximum of \$30 per day. Employees will not be reimbursed for the expense of any alcoholic beverages.

3. Mileage for use of a personal vehicle will be reimbursed at the rate set by the State of Indiana and approved by the County Commissioners and in effect at the time the travel expense was incurred. No reimbursement will be made for employees, department heads, or elected officials who use a county- owned vehicle. Parking fees incurred for job-related reasons will be reimbursed.

4. Phone charges will be reimbursed up to a maximum of \$5.00 per day for call(s) made by the employee, department head, or elected official to their home phone number.

5. No reimbursement will be made for any entertainment expenses including the cost of any additional charges to the hotel/motel bill for services in excess of the room charges, (except for room service meals under the maximum daily allowance in paragraph 2, and phone allowance in paragraph 4 above) that are requested or ordered by the employee, department head, or elected official.

6. All reimbursable expenses must be supported by an itemized receipt that provides at a minimum the following information: date, amount, place of service or purchase, and description of service or item(s) purchased.

7. All reimbursable expenses must be submitted on a claim form with receipts attached. An employee's supervisor shall be responsible for verification of all travel expenses.

8. No provision herein shall supersede any state allowable maximums for expenses of per diem reimbursements as provided by code and/or approved by the Board of Commissioners.

9. If multiple employees from one department are to attend the same conference resulting in reduced staffing, that reduction should not cause a disruption in service or an office to close completely.

10. Any travel expenses paid for using grant funds should be expended using the guidelines within the grant agreement. If there are not established guidelines within the grant agreement, the requirements of this Section shall apply.

11. The use of a privately owned vehicle must be approved by the department head or elected official prior to traveling to ensure that transportation costs and liability insurance are effectively managed. If an employee uses his/her privately owned vehicle for such travel without prior approval, the employee will not be reimbursed for mileage.

COMPUTER USE POLICY

A. **PURPOSE**

As the use of technology has grown, so has the potential for its misuse. As public servants, all officers, employees and person who contract with Brown County have a special responsibility to those we serve. This policy is intended as a guide to the use of computers, whether networked or stand-alone, provided by the county for the conduct of its business. It cannot be all-inclusive. Persons granted the privilege of using the county's computers are expected to use common sense, common courtesy and common decency in exercising that privilege. The computers are provided as a means to achieve greater efficiency in our services to the public. They are not provided for any other purpose and should not be used for other purpose.

B. **DEFINITIONS**

1. "County" means Brown County, Indiana.
2. "County computer facility" or "county computer system" means those computers and terminals supplied by the county.
3. "County employee" means a person employed by the county, whether full time, part time, temporary, or upon any other basis.
4. "Independent contractor" means any person working as an independent contractor, whether as a general contractor or subcontractor, for the county.
5. "Person" means and includes but is not limited to any human being, natural person, individual, corporation, company, partnership, firm, proprietorship, joint venture, association, organization, group, estate, trust, fiduciary, agency, fraternity, sorority, society, club, union, institution, cooperative, department, governmental officeholder, governmental employee, governmental contractor or subcontractor, governmental organization or entity, or other organization or entity, any similar entity or any combination of the foregoing acting in concert, and any employee or representative thereof. The personal pronoun includes all genders. The singular includes the plural, and the plural includes the singular.
6. "Internet" means the system of interconnected computers outside the county computer system.
7. "Intranet" means the system of interconnected computers within the county computer system.

8. "Systems administrator" means the Board of Commissioners of Brown County, Indiana, or its designee.

C. APPLICATION

The following rules and policies apply to all persons granted permission to use the county computer system.

The following rules and policies apply to the use of the county computer system, whether or not the system is used during normal working hours.

The following rules and policies apply whether or not the county computer system is accessed from county terminals or from elsewhere.

The following rules and policies are subject and subordinate to local, state, and federal laws, regulations and rules. If any part of these rules and policies is found in violation of any such law, regulation or rule, its invalidity will not affect the validity or operation of remaining rules and policies.

D. POLICIES

1. No Privacy in System

The county's computer facilities are provided to further the conduct of public business. Persons to whom use of the facilities has been granted should use them for public business and no other reason.

The county has the right, but not the duty, to monitor any and all employee communications passing through its computer facilities, as its sole discretion.

Persons using the system should never place information they intend to be personal or private on any county computer facility. Information required by law to remain private (i.e. certain court, law enforcement and health records) should only be placed on county computer facilities if permitted by law and if appropriate safeguards (i.e. using a stand-alone computer, encryption, firewalls, passwords) are in place and functioning correctly to prevent their disclosure to persons not authorized access to that information.

2. Improper Activities

Persons using the system will not download, upload, disseminate or knowingly receive violent, harassing, threatening, bigoted, discriminatory, sexually explicit, obscene, false or illegal information using any county computer facility, network, intranet or internet connection. Note: This includes jokes or cartoons.

Persons using the system will not use county computer facilities for personal, commercial, or political advertisements, solicitations or promotions.

Persons using the system will not knowingly cause interference with or disruption to any network, information service, equipment or any user thereof.

Persons using the system will not attempt to modify or gain access to files, passwords, or data belonging to others; nor will they seek unauthorized access to any computer system.

Persons using the system will not damage or, without permission from the system administrator, alter software components of any network or database or alter the hardware or software configuration of the county computer system.

Unless they have received prior permission from the systems administrator, persons using the system will not use their own software programs in the county computer system; nor will they install additional software or plugging from the internet.

Any person who learns of such activities will report them to the systems administrator immediately.

3. Nature of Email

Email should be considered more like paper communications than telephone conversations in its permanence. Deleting an email does not mean it cannot be retrieved from a computer system or its backup. Email can also be forwarded to others, printed or copied. It may be susceptible to discovery in legal proceedings and may be subject to laws requiring public disclosure of its contents.

Consequently, all persons using county computer facilities must exercise appropriate discretion, courtesy and decorum in any email communications. If you would not want your mother to read it on the front page of the local newspaper, do not put in an email message.

4. Nature of Communications

Because the county computer facilities are provided for the conduct of public business, the public and others using the facilities have a right to expect honesty, accuracy and courtesy. Only true and accurate information should be transmitted over the system and it should be communicated in a manner that is not offensive or defamatory.

Persons using county computer facilities will not use those facilities to send messages expressing potentially offensive or defamatory comments on race, religion, sex, national origin, color, creed, politics, social policies, individuals, etc. Provided, that if mention of any of the foregoing areas is legitimately necessary for the conduct of public

business, messages containing references to them, so long as they are not offensive or defamatory, shall not be considered a violation of this policy.

All communications through county computer facilities must clearly identify the user. Users may not misrepresent their identities.

5. Downloading and Copying/Intellectual Property Of Others

The internet makes available many materials which can be easily copied or downloaded that are owned by others. These items, such as audio recordings, video clips, artwork, and computer programs, may subject the county and the person copying or downloading them to legal proceedings, resulting in an assessment of money damages, fines and costs. Copying or downloading such materials may also be considered theft.

Other materials available on the internet that are not subject to any claim of a property right may contain viruses that could cause severe damage to the county's computer system. In addition, widespread downloading of any material could rapidly use the storage capacity of the county's computer system, requiring the expense of county time to find and remove items or the expense of county funds to increase storage capacity.

As a result, person using county computer facilities will not download or use material from the internet or other sources in violation of any license, copyright or trademark, without obtaining prior written approval of the owner of the license , copyright or trademark and the approval of the systems administrator. Any items copied or downloaded that are not the intellectual property of another shall require the prior written approval of the systems administrator. The originals of such approvals shall be provided to and kept by the systems administrator, whose decision whether to approve copying or downloading shall take into consideration whether the material is for the conduct of public business and the capacity of the county computer system.

6. Communications with Public/Disclaimer Required

Communications with the public deal with, among other things, requests for information and requests for statements of official position. The information is usually requested to enable a citizen to understand and more easily interact with government (i.e. how to apply for a permit, which office to call, locations of offices, and telephone numbers, addresses and names of stakeholders), while requests for statements official position are usually to learn what a decision has been on a request to an agency, or what an agency might decide if asked. The public should be provided with information when appropriate and authorized, but answers to requests for statements of official position, unless provided as a result of a lawful public action by the appropriate agency, should carry a disclaimer letting the public know that the answer is not an official position of the agency or office.

Consequently, unless authorized to speak on behalf of an agency or office, all email, newsgroup and similar communications by persons using county computer facilities addressed to any member of the public other than an answer to a request for information should contain the following disclaimer or one substantially similar: "The author of this message speaks only for (himself or herself), and is not authorized to speak on behalf of the (agency or office)." Upon request, the system administrator may demonstrate how to create a block with this disclaimer that can be easily inserted into an email.

7. Network Security

All persons using the county computer system will comply with instructions for virus protection, password selection and security, and other security matters issued separately and periodically updated by the systems administrator.

The systems administrator, to insure the integrity and virus-free condition of the county computer system, shall use county-approved virus scanning software (to be updated no less than once per week) to check all files from outside the county being placed on any county computer, whether they came from the internet or elsewhere.

8. Encryption

Unless required or allowed by law or after approval by the system administrator, persons using the county computer system will not send email messages containing information required to be kept confidential over the internet without using an encryption method approved by the system administrator. The system administrator shall be provided a copy of any password or key needed to decrypt the sent material.

No intranet email messages sent using the county computer system shall be encrypted without the prior approval of the systems administrator, who shall be provided a copy of any password or key needed to decrypt the sent material.

Notwithstanding the above, material privileged or protected from disclosure by operation of law (i.e. attorney/client, physician/patient, certain health, court and law enforcement information) may be sent in an encrypted form using the county computer system, without the prior approval of the systems administrator and without providing the password or key need to decrypt the sent message.

9. Sanctions

Access to and use of the county computer system is a privilege, not a right. Violations of this policy may result in immediate revocation of that privilege, at the sole discretion of the systems administrator.

Violations of this policy may also subject the violator to any and all disciplinary measures contained therein.

Violations of this policy which are violations of any county ordinance or state or federal statute may subject the violator to any and all punishments provided therein.

Violations of this policy which subject the county to any civil liability may subject the violator to any civil remedies available to the county, including but not limited to recovery of money damages, costs and fees.

The foregoing sanctions are not exclusive of one another or of any other sanctions permitted by law. Violations may result in the imposition of any combination of available sanctions or all available sanctions.

DRUG AND ALCOHOL FREE WORKPLACE POLICY

A. POLICY STATEMENT

Brown County, in accordance with its desire for a drug and alcohol-free workplace, and in accordance with the Federal Department of Transportation (DOT) regulations, has established the following drug and alcohol rules for all employees. Because of the growing dangers of drug and alcohol abuse in the workplace, and because it represents such a threat to the safe and efficient operation of our facilities and operations, we have developed this policy for all County employees.

The policies set out in this document shall be administered by the County in conformity with applicable County ordinances, federal law, and state statutes. Policies or procedures found to be in violation of federal law, state statute, or county ordinance shall be declared null and void. The policies herein apply to all employees of the Brown County. This Policy complements the Policy adopted for the Brown County Highway Department's Policy, which is stricter than this Policy. Where different, the terms of the Highway Department's Policy shall be applied with respect to Highway Department employees

The possession, sale, manufacture, unauthorized use, misuse, or distribution of illegal drugs, alcohol, controlled or illegal substances, and the unauthorized use or misuse of prescription drugs and over-the-counter medications, or the paraphernalia associated with such, on County premises, including parking areas, in or using County vehicles or other equipment, or outside County premises on County business, or during authorized breaks, is absolutely prohibited. Violations will result in disciplinary action, including possible discharge, as outlined in this policy. As determined appropriate, violations will be reported to the local law enforcement authorities.

Drug and alcohol abuse are health problems which are treatable. Employees suffering from these illnesses will be given the same consideration that is extended to employees with other illnesses, such as the use of any sick days or the receipt of an extended leave of absence. The cost of a rehabilitation program will be borne by the employee. No employee who comes forward and requests help in a drug and alcohol rehabilitation program will have his/her job security jeopardized, provided that the employee successfully completes a rehabilitation program and maintains recovery, and is not in violation of any other section of policies and procedure manual

B. DEFINITIONS

1. Alcohol – The intoxicating agent in beverage alcohol, ethyl, alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

2. Alcohol Concentrate – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.
3. Alcohol Use – The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
4. Controlled Substance – Means a drug, substance, or immediate precursor in schedule I, II, III, IV or V of the Indiana Legend Act or any other substance described as a “controlled substance” under Federal law.
5. Prohibited Conduct – To report for or remain on duty while having an alcohol consumption of 0.02 or greater; and/or positive for a controlled substance or has misused a prescription or non-prescription drug.
6. Safety-Sensitive Function – Any function that requires a Commercial Driver’s License (CDL), or operation of motorized equipment (such as a vehicle, baler, or forklift) or transportation of material that requires a hazardous materials placard, or any auxiliary functions related to these activities.

C. ALCOHOL AND CONTROLLED SUBSTANCE USE: GENERAL RULES

1. No employee who is using any controlled substance illegally or show has an alcohol concentration of 0.02 or greater shall report for duty or remain on duty. If the employee is legally using a controlled substance under the direction and prescription of a physician, the employee shall comply with Section C (2) and shall not perform his or her normal work if it includes safety-sensitive functions.
2. The employee shall inform his or her immediate supervisor of any prescription or non-prescription drug use which may impair the employee’s ability to safely and efficiently perform the duties of his/her job. Prescription medicines taken without the employee’s physician’s authorization or prescription medicines and over-the-counter medicines not being used for the intended purposes or being used incorrectly are not permitted. Any employee is allowed to perform safety-sensitive functions while taking prescription medicines only if the physician who prescribed the medicine has advised the employee that the substance does not adversely affect the employee’s ability to safely perform a safety-sensitive function. Written proof of legitimate use of medicine may be required. No employee shall use alcohol while performing safety-sensitive functions.
3. No employee shall report for duty or remain on duty if the employee tests positive for controlled substances or tests above 0.02 for alcohol and this test result is not attributable to legal, therapeutic use of prescription or non-prescription drugs.
4. No employee shall refuse to submit to a post-accident, a reasonable suspicion, or a follow-up alcohol or controlled substance test. No employee holding a Commercial

Driver's License used in his or her work shall refuse to submit to a random alcohol or controlled substance test. The County will not permit an employee who refuses to submit to such tests to perform or continue to perform any duties and the employee shall be subject to termination in accordance with Section F of this policy.

D. REQUIRED TESTING

1. Hiring

All prospective new employees will be tested for the use of illegal drugs and controlled substances. No offer of employment will be made to an applicant until he or she completes the necessary drug information and testing consent forms and passes the pre-employment drug test. Applicants who refuse to complete the necessary paperwork and test or who test positive on the drug screen will not be offered employment.

2. Post Accident

a. Alcohol – An employee shall comply with the provisions of this policy, cooperate, and be tested within two hours of an accident involving a fatality or a moving violation in a county owned vehicle if the employee is physically able to do so. If a test is not performed within 2 hours, the supervisor must state a reason for the delay. If a test is not performed within 8 hours, all attempts to perform a test shall cease and disciplinary action will be taken as appropriate. No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

b. Controlled Substance – An employee shall comply with the provisions of this policy, cooperate, and be tested within 32 hours of an accident involving a fatality or a moving violation if the employee is physically able to do so. If a test is not performed within 32 hours, the supervisor must state a reason for the delay and all attempts to perform a test shall cease and disciplinary action will be taken as appropriate.

c. Employees shall be provided with necessary post-accident information, procedures, and instructions prior to operating a commercial motor vehicle.

d. Test results must fall within the acceptable guidelines listed in Section E.

3. Reasonable Suspicion

When it is suspected that a County employee has a drug and/or alcohol abuse problem that is resulting in poor job performance, lost productivity, compromised safety, errors, or poor attendance, he or she will be required to submit to the County's drug and alcohol laboratory screening procedure. Anonymous tips, rumors, or an employee's general work record are not sufficient grounds that an employee undergoes controlled substance/alcohol screening. Reasonable suspicion, however, may be derived from information given by identifiable witnesses, when used in conjunction with observations

made by persons trained to recognize the signs and symptoms of drug and alcohol abuse. Observed behavior and conditions must be documented in writing.

If an employee during working hours is observed by his or her supervisor to be in apparent unfit condition (i.e. inebriated appearance, affected speech, suspicious breath, aberrant behavior, or appearing to be incapable of performing work in a safe or productive manner), he or she will be removed from the job site immediately, driven to the testing site by a supervisor (if the testing site is offsite), and given a medical evaluation including a drug and alcohol laboratory screening procedure.

a. Alcohol and Controlled Substance – Suspicion must be based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors of the employee, declining job performance, lost productivity, attendance and tardiness patterns, compromised safety and errors, and/or inability to effectively communicate with fellow workers, supervisors and/or supervisees.

b. Observations shall be made by a supervisor who has been trained in accordance with the requirements of 49 CFR Part 382.603.

c. If an alcohol test is not administered within two (2) hours of the time that determination has been made that a reasonable suspicion exists, the supervisor shall prepare and maintain a file on record stating the reasons why the test was not promptly administered. If a test is not administered within eight (8) hours following a reasonable suspicion determination, the attempts to administer the alcohol test shall cease and the records shall state the reasons for not administering the test and disciplinary action will be taken as appropriate.

d. A test for controlled substances shall be administered within 24 hours of the time that a determination has been made that a reasonable suspicion exists.

e. A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, and signed by the supervisor who made the observations within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

4. Return-to-duty

a. An employee must pass the appropriate test prior to returning to work after engaging in prohibited conduct. This test shall occur only after an evaluation by a substance abuse professional.

b. Test results must fall within the acceptable guidelines listed in Section E.

5. Follow-up

a. Each employee who has engaged in prohibited conduct and who is deemed by a substance abuse professional to be in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall be subject to a minimum of 6 follow-up tests in a 12 month period.

b. All test results must fall within the acceptable guidelines listed in Section E.

E. TEST RESULT GUIDELINES

1. Alcohol

a. Test results of less than 0.02 alcohol concentration shall be deemed acceptable and will be referred to hereinafter as a “negative” test result. The County does not condone any use of alcohol on the job, and deems the 0.02 alcohol concentration as acceptable only to eliminate the possibility that alcohol used in food preparation or in other small quantities would result in a positive test result.

b. Employees with initial test results of 0.02 or greater alcohol concentration shall not be allowed to perform their duties. In addition, these employees will not be allowed to perform their duties until a return-to-duty test result of less than 0.02 alcohol concentration is achieved.

2. Controlled Substance

a. Negative results shall be deemed acceptable.

b. Employees with a positive test result attributable to the legal, therapeutic use of prescription drugs shall not report for safety-sensitive duty or remain on safety-sensitive duty until a negative return-to-duty test result is achieved.

c. Employees with a positive test result not attributable to the legal, therapeutic use of prescription drugs shall not report for duty or remain on duty until a negative return-to-duty test result is achieved.

F. DISCIPLINE

The County reserves the right to decide upon the appropriate response to employee misconduct or unsatisfactory performance, including but not limited to counseling, oral reprimand, written warning, suspension, or discharge, based on all relevant circumstances. Accordingly, the County will not necessarily adhere to the following disciplinary procedures in all circumstances. Rather, the purpose of progressive discipline is to provide management the opportunity to put employees on notice that their conduct is unsatisfactory so that they may have an opportunity to correct

or improve their conduct. Where the circumstances indicate that progressive discipline is inappropriate or futile, the County will act accordingly.

1. Alcohol Concentration less than 0.02 – No disciplinary action required.
2. Positive Alcohol or Controlled Substance Test – If the test result is not attributable to legal, therapeutic use of non-prescription or prescription drugs:
 - a. The employee will not be allowed to perform his/her duties.
 - b. The employee will receive a written warning and be suspended without pay for a minimum of five (5) days.
 - c. In addition to the suspension, the employee shall be referred to a substance abuse professional for an evaluation in accordance with Section H of this policy.
 - d. During the evaluation and treatment the employee maybe allowed to return to work, but may not be allowed to perform a safety-sensitive function. After the successful completion of treatment and a negative result for controlled substances, the employee may be allowed to perform safety-sensitive functions.
3. Reasonable Suspicion Test
 - a. If an employee is required to take an alcohol or controlled substance test on the basis of reasonable suspicion, the employee shall not return to work until the next scheduled workday.
 - b. If the test result is negative, the employee will be paid for the period suspended from work.
 - c. If the test result is positive, procedure will be in accordance with Section F, paragraph 2 above.
4. An employee with any two (2) positive test results shall be terminated.
5. Other Conduct Resulting in Immediate Termination
 - a. Any employee who refuses to submit to testing within the time periods required by this policy, unless he or she is unable to do so due to bona fide medical reasons, shall be terminated.
 - b. Refusal by an employee to complete and sign the testing form, to provide a urine or breath sample, to provide an adequate amount of urine or breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be terminated.

c. Any employee who substitutes, tampers with, or adulterates a urine or breath sample shall be terminated.

d. An employee who fails to follow the directives of the substance abuse professional may be terminated.

4. An employee must notify the County of any criminal drug statute violation no later than five (5) days after such conviction. If an employee is convicted of a felony crime with respect to possession, sale, manufacture, unauthorized use, misuse, or transfer of illegal drugs inside or outside the work environment, the employee shall be terminated. These sanctions or measures must be imposed within thirty (30) days after receiving notice from an employee of any criminal drug statute violation.

5. The provisions in this Section regarding the testing of employees, the possible suspension without pay, and termination of employment due to the finding that an employee has engaged in prohibited conduct or other conduct resulting in termination, constitute the policy of the County.

G. BREATH ALCOHOL AND CONTROLLED SUBSTANCE TESTING

1. Alcohol and controlled substances testing for the County will be provided by a private company selected by the County Commissioners.

2. If testing must be completed while the testing site is closed or while testing personnel from the normal provider are unavailable, arrangements for testing shall be conveyed to the employee upon notification that testing is required.

3. Testing shall be done in accordance with procedures outlined in the DOT drug and alcohol regulations.

4. Failure to Cooperate – Refusal by an employee to complete and sign the testing form, to provide breath or urine, to provide an adequate amount of breath or urine, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the collection site person on the testing form. In addition, the collection site person shall inform the County.

5. Employee Requiring Medical Attention - If the sample is being collected from an employee in need of medical attention, necessary medical attention shall not be delayed in order to collect the specimen.

6. Use of Chain of Custody Forms – A change of custody form shall be used in maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen.

7. All test results, assistance requests, and treatment records will be maintained in files separate from the employee's personnel file and will be disclosed only to those having a legitimate need to know such information or as required by law.

H. EMPLOYEE EVALUATION AND REFERRALS

1. Each employee who has engaged in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, is needed.
2. Employees who have engaged in prohibited conduct must pass return-to-duty tests and shall be subject to a minimum of six (6) unannounced follow-up tests over a 12-month period.

AMERICANS WITH DISABILITIES ACT POLICY

It is the policy and practice of the county to comply fully with the Americans with Disabilities Act of 1990, as amended (ADA) and to ensure equal opportunity in employment for all qualified persons with disabilities. The ADA prohibits employment discrimination against qualified individuals who may have a physical or mental disability but can still perform the essential functions of the job with or without reasonable accommodation. The County is committed to ensuring that there is no discrimination under any terms, conditions, or privileges of employment and to making reasonable accommodations for qualified employees with physical and mental disabilities when such accommodation can be made without causing undue hardship. When a physical or mental disability may affect the individual's ability to perform essential job functions, the supervisor, with assistance from the County Commissioners, is responsible for considering what reasonable accommodations may be made. An employee who requires a reasonable accommodation to perform essential functions of his/her position should work with his/her supervisor to develop the appropriate accommodations.

Reasonable accommodations that do not cause an undue hardship for the County may be made for employees when such an accommodation is required to perform the essential functions of the job.

When an employee requests an accommodation, the supervisor may request that the employee provide a medical evaluation documenting the disability. All medical records obtained will be kept in a confidential file separate from general personnel files. The county may require the employee to be evaluated by a physician selected by the county.

In considering a need for a reasonable accommodation, the following factors should be considered:

- Whether the employee is an individual with a disability covered by the ADA
- The essential functions of the employee's job
- The doctor's evaluation of the employee and the employee's current limitations
- Possible accommodations suggested by the employee
- Other possible accommodations; and
- Whether the disability can be reasonably accommodated without undue hardship or a direct threat to the health and safety of the employee or other individuals.

SMOKEFREE WORKPLACE POLICY

It is the philosophy of Brown County Government to provide its employees with a work environment that offers the opportunity and resources to optimize their personal health and well-being. In accordance with this philosophy and the convincing evidence of the negative effects of side stream (passive) smoke, it is Brown County Government's intent that all County owned and operated facilities maintain a Smoke-Free environment.

Therefore, smoking and the use of smokeless tobacco products are prohibited on all County property, including County-owned or-leased vehicles. This prohibition extends to privately owned motor vehicles while they are located on County facilities.

Management, department heads, elected officials, or supervisory staff will be responsible for the ongoing compliance with the smoke free workplace policy within their work areas.

Employee violations are treated like any performance problem. Failure to comply with all of the components of this section will result in disciplinary action that can lead up to and include employment termination.

Designated smoking areas will be allowed and established by the Administrative Official. These areas must be outside and away from all entrances to county buildings. Each smoking area must be reported to the Board. January 12, 2012.

FINAL STATEMENT

Although the County has every intention of continuing the programs and other provisions of this Policy, the right is reserved to revise or discontinue them at the discretion of the Board. Interpretations, eligibility and applicability of the provisions of this Policy are at the discretion of the Board.

This Policy shall not be construed as creating an employment contract or term or limiting the permissible reasons for termination of the employment relationship. All employees are employees at will within the meaning of Indiana law. That is, (1) the employment relationship is terminable at the will of either the County or the employee, (2) it is terminable with or without cause, and (3) it is terminable at any time with or without prior notice. This at will relationship can only be changed to a relationship other than an at will relationship by execution of a written document signed by the employee and the Administrative Official, and with the express written approval of the Board.

ACKNOWLEDGEMENT
HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

I have received a copy of Brown County's **HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL** (the "Manual"). I understand that it contains important information about employment with Brown County (the "County") and that it is my responsibility to read the Manual and comply with the policies contained in the Manual as well as any other policies, procedures and rules that the County may implement. I understand that I should consult my supervisor or the County Administrator regarding any questions not answered in the Manual.

I acknowledge that the County may unilaterally modify or delete existing policies at any time without notice. I understand that revised information may supersede, modify, or eliminate existing policies. I understand that the County may deviate from any provision of this Manual at its sole discretion.

Furthermore, I acknowledge that this Manual and the policies and procedures set forth in this Manual do not create a contract, promise, or agreement of employment and do not create any legally binding obligations on the part of the County to me. They are set forth solely as a statement of the general County policies and practices. I acknowledge that I do not in any way rely upon the provisions of this employee Manual in accepting or continuing my employment with the County.

EMPLOYEE SIGNATURE

DATE

EMPLOYEE NAME (Type or Print)

Brown County Government

Conflict of Interest Disclosure For Employees, Contractors, Elected Officials

Please initial the space at the end of Item A or Complete Item B, whichever is appropriate. Sign and date the statement and return to the Administrative Official.

- A. I am not aware of any relationship or interest or situation involving my family or myself which might result in, or give the appearance of being, a conflict of interest between such family member or me on the one hand and Brown County Government _____ (initial)
- B. The following are relationships, interests, or situations involving me or a member of my family which I consider might result in or appear to be an actual, apparent, or potential conflict of interest between such family member or myself on one hand and Brown County Government on the other. _____ (initial)

Vendors, contractors, business entity which does or might do business with the county:

Any other real or apparent financial or personal conflicts:

Vendors, contractors, business entity in which you have an economic interest:

Other relationships or activities (could be personal):

My primary business or occupation at this time is:

I have read and understand Brown County Government's conflict of interest policy and agree to be bound by it. I will promptly inform the County Administrator of any material change that develops in the information contained in the foregoing statement.

Print Name

Signature

Date

Application For Employment

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

(PLEASE PRINT)

Position(s) Applied For		Date of Application	
How Did You Learn About Us?			
<input type="checkbox"/> Advertisement	<input type="checkbox"/> Friend	<input type="checkbox"/> Walk-In	
<input type="checkbox"/> Employment Agency	<input type="checkbox"/> Relative	<input type="checkbox"/> Other _____	
Last Name	First Name	Middle Name	
Address	Number	Street	City
		State	Zip Code
Telephone Number(s)		Social Security Number-	

If you are under 18 years of age, can you provide required proof of your eligibility to work?

☐ Yes ☐ No

Have you ever filed an application with us before?

☐ Yes ☐ No

If Yes, give date _____

Have you ever been employed with us before?

☐ Yes ☐ No

If Yes, give date _____

Are you currently employed?

☐ Yes ☐ No

May we contact your present employer?

☐ Yes ☐ No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status?

Proof of citizenship or immigration status will be required upon employment.

☐ Yes ☐ No

On what date would you be available for work? _____

Are you available to work: ☐ Full Time ☐ Part Time ☐ Shift Work ☐ Temporary

Are you currently on "lay-off" status and subject to recall?

☐ Yes ☐ No

Can you travel if a job requires it?

☐ Yes ☐ No

Have you been convicted of a felony _____

Conviction will not necessarily disqualify an applicant from employment.

☐ Yes ☐ No

If Yes, please explain _____

NAME:

POSITION:

DATE:

Education

	Name and Address of School	Course of Study	Years Completed	Diploma Degree
Elementary School				
High School				
Undergraduate College				
Graduate Professional				
Other (Specify)				

Indicate any foreign languages you can speak, read and / or write			
	FLUENT	GOOD	FAIR
SPEAK			
READ			
WRITE			

Describe any specialized training, apprenticeship, skills and extra-curricular activities.

Describe any job-related training received in the United States military.

Employment Experience

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

1.	Employer		Dates Employed		Work Performed
			From	To	
	Address				
	Telephone Number(s)		Hourly Rate/Salary		
			Starting	Final	
	Job Title	Supervisor			
	Reason for Leaving				
2.	Employer		Dates Employed		Work Performed
			From	To	
	Address				
	Telephone Number(s)		Hourly Rate/Salary		
			Starting	Final	
	Job Title	Supervisor			
	Reason for Leaving				
3.	Employer		Dates Employed		Work Performed
			From	To	
	Address				
	Telephone Number(s)		Hourly Rate/Salary		
			Starting	Final	
	Job Title	Supervisor			
	Reason for Leaving				
4.	Employer		Dates Employed		Work Performed
			From	To	
	Address				
	Telephone Number(s)		Hourly Rate/Salary		
			Starting	Final	
	Job Title	Supervisor			
	Reason for Leaving				

If you need additional space, please continue on a separate sheet of paper.

List professional, trade, business or civic activities and offices held.

You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:

Additional Information

Other Qualifications

Summarize special job-related skills and qualifications acquired from employment or other experience.

Specialized Skills

Check Skills/Equipment Operated

<input type="checkbox"/> CRT	<input type="checkbox"/> Fax	Production/Mobile Machinery (list):	Other (list):
<input type="checkbox"/> PC	<input type="checkbox"/> Lotus 1-2-3	<hr/>	<hr/>
<input type="checkbox"/> Calculator	<input type="checkbox"/> PBX System	<hr/>	<hr/>
<input type="checkbox"/> Typewriter	<input type="checkbox"/> Wordperfect	<hr/>	<hr/>

State any additional information you feel may be helpful to us in considering your application.

Note to Applicants: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING.

Are you capable of performing in a reasonable manner, with or without a reasonable accommodation, the activities involved in the job or occupation for which you have applied? A description of the activities involved in such a job or occupation is attached.

☐ YES ☐ NO

References

1.	<hr/>	()
	(Name)	Phone #
	<hr/>	
	(Address)	
2.	<hr/>	()
	(Name)	Phone #
	<hr/>	
	(Address)	
3.	<hr/>	()
	(Name)	Phone #

Applicant's Statement

I certify that answers given herein are true and complete to the best of my knowledge.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.

Signature of Applicant

Date

FOR PERSONNEL DEPARTMENT USE ONLY

Arrange Interview ☐ Yes ☐ No

Remarks _____

INTERVIEWER DATE

Employed ☐ Yes ☐ No Date of Employment _____

Job Title _____ Hourly Rate/ Salary _____ Department _____

By _____
NAME AND TITLE DATE

NOTES _____

FOR PERSONNEL DEPARTMENT USE ONLY

Position(s) Applied For Is Open: ☐ Yes ☐ No

Position(s) Considered For: _____

Date _____

NOTES:

NAME: _____

POSITION: _____

DATE: _____